UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/588,875	06/06/2000	Shekhar Kirani	LS/0003.01	1069

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EXAMINER
ENGLAND, DAVID E

ART UNIT	PAPER NUMBER
2143	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/588,875	KIRANI ET AL.
	Examiner	**Art Unit**	
	David E. England	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on 03 March 2003 .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-66 is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-66 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,5 .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. Claims 1 – 66 are presented for examination.

Claim Objections

1.   Claim 8 is objected to because of the following: The invention states a timestamp in the claims and in

the specification, although, the claim seems to contradict the true use of photo ID creation. The Applicant

admits in the application that the invention uses a 128-bit value and an auto-incrementing counter instead of the

timestamp, (page 15 of the presented application). Appropriate correction is required.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the

rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1 – 5, 9, 11 – 21, 24 – 27, 30 – 32, 36 – 40, 42 – 53, 56 – 59, 62, 63 are rejected under 35

U.S.C. 102(e) as being anticipated by Huang et al. U.S. Patent No. 6438576, (hereinafter Huang).

4.   Referencing claim 1, Huang teaches in an online system, a method for providing digital photographic

images to target devices, the method comprising:

5.   receiving a request to provide a target device with a copy of a particular photographic image, (e.g. col.

10, line 20 – col. 11, line 5);

6.   determining capabilities of the target device, (e.g. col. 10, line 20 – col. 11, line 5);

7.   based on the capabilities of the target device, determining a format that is desired for providing the target device with a copy of the particular photographic image, (e.g. col. 10, line 20 – col. 11, line 5);

8.   determining whether a cached copy of the particular photographic image already exists in said determined format, (e.g. col. 7, line 23 – col. 8, line 10);

9.   if a cached copy exists, providing the target device with the cached copy of the particular photographic image and thereafter terminating the method, (e.g. col. 7, line 23 – col. 8, line 10 & col. 10, line 20 – col. 11, line 5);

10.   if a cached copy does not exist, translating the particular photographic image into a copy having said determined format, (e.g. col. 7, line 23 – col. 8, line 10 & col. 10, line 20 – col. 11, line 5); and

11.   providing the target device with the copy having said determined format, (e.g. col. 7, line 23 – col. 8, line 10 & col. 10, line 20 – col. 11, line 5).

12.   Referencing claim 2, Huang teaches storing the copy having said determined format in a cache memory, (e.g. col. 7, line 23 – col. 8, line 10 & col. 10, line 20 – col. 11, line 5).

13.   Referencing claim 3, Huang teaches receiving from the target device a subsequent request for the particular photographic image, (e.g. col. 6, lines 39 – 67 & col. 11, lines 15 – 55); and

14.   providing the target device with the copy stored in said cache memory, (e.g. col. 6, lines 39 – 67 & col. 11, lines 15 – 55).

15.   Referencing claim 4, Huang teaches said request specifies a photographic identifier, (photo ID), (e.g. col. 10, line 20 – col. 11, line 5 & col. 11, lines 15 – 55).

16.   Referencing claim 5, Huang teaches said photo ID comprises a unique ID created by said online system for identifying photographic images, (e.g. col. 10, line 20 – col. 11, line 5 & col. 11, lines 15 – 55).

17.   Referencing claim 9, Huang teaches said request specifies a user identifier (user ID), (e.g. col. 10, line 20 – col. 11, line 5 & col. 11, lines 15 – 55).

18.   Referencing claim 11, Huang teaches the capabilities of the target device include screen resolution, (e. g. col. 5, line 42 – col. 6, line 4 & col. 11, lines 15 – 56).

19.   Referencing claim 12, Huang teaches the capabilities of the target device include screen size, (e. g. col. 5, line 42 – col. 6, line 4 & col. 11, lines 15 – 56).

20.   Referencing claim 13, Huang teaches the capabilities of the target device include color support, (e. g. col. 5, line 42 – col. 6, line 4 & col. 11, lines 15 – 56).

21.   Referencing claim 14, Huang teaches the capabilities of the target device include currently-available communication medium that the target device employs to transmit its request, (e.g. col. 1, lines 29 – 67 & col. 6, lines 24 – 38).

22.   Referencing claim 15, Huang teaches 15 currently-available communication medium comprises wireless communication, (e.g. col. 1, lines 29 – 67 & col. 6, lines 24 – 38)..

23.   Referencing claim 16, Huang teaches currently-available communication medium comprises wireline communication, (e.g. col. 1, lines 29 – 67 & col. 6, lines 24 – 38).

24.   Referencing claim 17, Huang teaches said step of determining capabilities of the target device includes: querying the device for its capabilities, (e.g. col. 5, line 42 – col. 6, line 4 & col. 11, lines 15 – 56).

25.   Referencing claim 18, Huang teaches said step of determining capabilities of the target device includes: determining capabilities from a knowledgebase, based on a device class for the target device, (e.g. col. 3, line 38 – col. 4, line 7).

26.   Referencing claim 19, Huang teaches determining an appropriate resolution for rendering the particular photographic image at the target device, (e.g. col. 5, line 42 – col. 6, line 4 & col. 11, lines 15 – 56).

27.   Referencing claim 20, Huang teaches determining an appropriate color space for rendering the particular photographic image at the target device, (e.g. col. 5, line 42 – col. 6, line 4 & col. 11, lines 15 – 56).

28.   Referencing claim 21, Huang teaches determining an appropriate image size for rendering the particular photographic image at the target device, (e.g. col. 5, line 42 – col. 6, line 4 & col. 11, lines 15 – 56).

29.   Referencing claim 24, Huang teaches said target device includes a handheld computing device having display capability, (e.g. col. 1, lines 29 – 67 & col. 6, lines 24 – 38).

30.   Referencing claim 25, Huang teaches said target device includes a cellular phone device having display capability, (e.g. col. 1, lines 29 – 67 & col. 6, lines 24 – 38).

31.   Referencing claim 26, Huang teaches said target device includes a pager device having display

capability, (e.g. col. 1, lines 29 – 67 & col. 6, lines 24 – 38).

32.   Referencing claim 27, Huang teaches said target device includes a personal computer having display

capability, (e.g. col. 1, lines 29 – 67 & col. 6, lines 24 – 38).

33.   Referencing claim 30, Huang teaches said request specifies a photographic identifier (photo ID), and

wherein said step of determining whether a cached copy of the particular photographic image already exists is

determined, at least in part, based on the photo ID for the particular photographic image, (e.g. col. 5, line 42 –

col. 6, line 4 & col. 11, lines 15 – 55).

34.   Referencing claim 31, Huang teaches based on the capabilities of the target device, determining

metadata for the particular photographic image that may be provided to the target device, (e.g. col. 9, line 56 –

col. 10, line 45).

35.   Referencing claim 32, Huang teaches said metadata includes attribute information for the particular

photographic image, (e.g. col. 9, line 56 – col. 10, line 45).

36.   Claims 36 – 40, 42 – 53, 56 – 59, 62 and 63 are rejected for similar reasons as stated above.

Claim Rejections - 35 USC § 103

37.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set

forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

38.   Claims 6, 7, 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang (6438576) in view of Foster et al. (6202097) (hereinafter Foster).

39.   As per claim 6, Huang teaches said photo ID and all that is described above but does not specifically teach a 128-bit value. Foster teaches a 128-bit value, (e.g. col. 10, lines 25 – 42). It would be obvious to one skilled in the art at the time the invention was made to combine Foster with Huang because it is common knowledge that if a user desires to save a file that has the same or similar name as an existing file, the program that is saving the file would increment the file name, example, if there is a file named "pic.jpeg" and a user would like to have the same beginning the program would choose the next number, since the number being used is null or 0, which would be "pic1.jpeg". If this would be a recurring action, then the next file names would be for example, "pic2.jpeg", "pic3.jpeg", etc.

40.   As per claim 7, Huang teaches said photo ID and all that is described above but does not specifically teach an auto-incrementing counter. Foster teaches an auto-incrementing counter, (e.g. col. 10, lines 25 – 42). It would be obvious to one skilled in the art at the time the invention was made to combine Foster with Huang because of similar reasons stated above.

41.   Claim 41 is rejected for similar reasons as stated above.

42.   Claims 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang (6438576) in view of Cullen et al. (6592629) (hereinafter Cullen).

43.   As per claim 8, Huang teaches said photo ID and all that is described above but does not specifically

teach said photo ID is created from a system timestamp. Cullen teaches said photo ID is created from a system

timestamp, (e.g. col. 6, lines 22 – 48). It would be obvious to one skilled in the art at the time the invention was

made to combine Foster with Huang because it would be more efficient for a system to differentiate from

different files in different formats, (i.e. title, label, file name, creation date).

44.   Claims 10, 22, 23, 54 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang

(6438576) in view of Jackowski et al. (6141686) (hereinafter Jackowski).

45.   As per claim 10, Huang does not specifically teach said user ID comprises a unique ID created by said

online system for identifying users. Jackowski teaches said user ID comprises a unique ID created by said

online system for identifying users, (e.g. col. 2, lines 32 – 44). It would be obvious to one skilled in the art at the

time the invention was made to combine Foster with Huang because it is common for the Internet/ISP to assign

IP addresses to devices that log into the Internet so that hackers and other Internet pirates can not use the same

IP address for the same user every time the user logs into the Internet, adding security to a system.

46.   As per claim 22, Huang does not specifically teach determining communication bandwidth available for

transmitting a copy of the particular photographic image to the target device. Jackowski teaches determining

communication bandwidth available for transmitting a copy of the particular photographic image to the target

device, (e.g. col. 2, line 65 – col. 3, line 10). It would be obvious to one skilled in the art at the time the

invention was made to combine Foster with Huang because it would be more efficient for a system to allocate

or determine the available bandwidth to a target device so to transmit packets to the target device at a rate that

would not cause traffic in the network that the device could not handle, therefore causing errors and

bottlenecking.

47.   As per claim 23, Huang does not specifically teach the communication bandwidth available is

determined, at least in part, based on a device class for the target device, (e.g. col. 2, line 65 – col. 3, line 10). It

would be obvious to one skilled in the art at the time the invention was made to combine Foster with Huang

because of similar reasons as stated above and further, it is well known in the art that the bandwidth and

protocol difference between wireless and wireline are different enough that if the system would know at

transmission time the difference just from sending out a signal to determine if the device exist The return signal

to the device that is being transmitted from would have information about the type of protocol the client is

using, therefore, knowing what class the device belongs to.

48.   Claims 54 and 55 are rejected for similar reasons as stated above.

49.   Claims 28 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang (6438576) in

view of the Applicant.

50.   As per claim 28, Huang teaches wireless communication but does not specifically teach said target

device includes WAP (Wireless Application Protocol) support. Applicant admits in the prior art on page 4 that

said target device includes WAP (Wireless Application Protocol) support and is used in Internet

communication. It would be obvious to one skilled in the art at the time the invention was made to combine the

Applicant with Huang because it would be more convenient for a system to utilize a widely use wireless

protocol in a system as opposed to developing a wireless protocol that is not widely used and would make the

invention more difficult to sell to consumers because of the patches and other programs that would have to

come with the invention to adapted to the already widely used WAP. Furthermore, adding extra protocol

overhead will slow down the transmission of the data.

51.   Claim 60 is rejected for similar reasons as stated above.

52.   Claims 29, 33 – 35, 61 and 64 – 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang (6438576) in view of O'Neal (6411685).

53.   As per claim 29, Huang does not specifically teach said step of determining a format that is desired includes determining user preferences, if any, for rendering images at the target device. O'Neal teaches said step of determining a format that is desired includes determining user preferences, if any, for rendering images at the target device, (e.g. col. 2, lines 20 – 37). It would be obvious to one skilled in the art at the time the invention was made to combine O'Neal with Huang because it would be more convenient for a system to have the option to save data to a specific format chosen by the user incase the system/device that the user is using does not support a specific format. If the user didn't have this option the data will be open as "gibberish" because of the lack of functionality of the device.

54.   As per claim 33, Huang teaches metadata and all that is disclosed above but does not specifically teach said metadata includes annotations for the particular photographic image. O'Neal teaches said metadata includes annotations for the particular photographic image, (e.g. col.. 12, line 41 – col. 13, line 22). It would be obvious to one skilled in the art at the time the invention was made to combine O'Neal with Huang because it would be more convenient for a system to utilize the functionality of an annotation, in voice or text, to describe to a viewer what the data is about, and for pictures, what the picture is about or a story that goes with the picture.

55.   As per claim 34, Huang teaches all that is disclosed above but does not specifically teach said

annotations include text data. O'Neal teaches said annotations include text data, (e.g. col.. 12, line 41 – col. 13,

line 22). It would be obvious to one skilled in the art at the time the invention was made to combine O'Neal

with Huang because it would be more convenient for a system to utilize the functionality of an annotation, in

voice or text, to describe to a viewer what the data is about, and for pictures, what the picture is about or a story

that goes with the picture.

56.   As per claim 35, Huang teaches all that is disclosed above but does not specifically teach said

annotations include voice data. O'Neal teaches said annotations include voice data, (e.g. col.. 12, line 41 – col.

13, line 22). It would be obvious to one skilled in the art at the time the invention was made to combine O'Neal

with Huang because it would be more convenient for a system to utilize the functionality of an annotation, in

voice or text, to describe to a viewer what the data is about, and for pictures, what the picture is about or a story

that goes with the picture.

57.   Claims 61 and 64 – 66 are rejected for similar reasons as stated above.

Conclusion

58.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

59.   a.   McLain U.S. Patent No. 6493758 discloses Offline viewing of internet content with a mobile

device.

60.   b.   Tso et al. U.S. Patent No. 6421733 discloses System for dynamically transcoding data

transmitted between computers.

61.   c.   Tso U.S. Patent No. 6072598 discloses Method for enhancing usability of fax on small device.

62. d. Anabuki et al. U.S. Patent No.6441913 discloses Image processing apparatus and image processing method.

63. e. Courtney U.S. Patent No. 6385772 discloses Monitoring system having wireless remote viewing and control.

64. f. Rao et al. U.S. Patent No. 5613017 discloses Apparatus for processing image data among media having different image output sizes.

65. g. Sieffert et al. U.S. Patent No. 6275869 discloses System for network communication of image information between imaging devices according to multiple protocols.

66. h. Rowe et al. U.S. Patent No. 5860074 discloses Method and apparatus for displaying an electronic document with text over object.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. England whose telephone number is 703-305-5333. The examiner can normally be reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is none.

David E. England
Examiner
Art Unit 2143

De *DE*

DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100